

## REMARKS

The Non-Final Office Action mailed on April 21, 2008, has been reviewed and the Examiner's comments have been carefully considered. In the Office Action dated April 21, 2008, method claims 1-40 stand rejected under 35 USC §102(b) as being anticipated by cited reference, Flynn et al. US Patent No. 5,827,812. Claims 1-40 also stand rejected under 35 USC 103(a) as being unpatentable under Flynn et al. (US 5,827,812) and further in view of Henderson (US 2,940,287) and further in view of Williams (US 3,234,660).

Applicants participated in an Examiner Interview on August 19, 2008 to discuss the nature of the rejections as explained below. Applicants hereby amend claims 1, 28, 32, and 36-39. Amendments to claims 1, 28, 32 and 37 were made to replace "perfumes" with "fragrances" since the term "fragrances" has support in Applicants' U.S. Provisional Application No. 60/045,072 on page 5, line 14, of the written description, and in claims 16 and 55 as originally filed on April 27, 1997. Support for fragrance is also found in the pending Application in paragraphs [0141] and [0147]. Claim 36 is amended to include the features of previously presented claim 38. Claim 38 is amended to recite that the adjuvant comprises surfactant in the form of an emulsion, and support is found in paragraphs [0037] and [0133] of the pending application. Claim 39 is amended to depend directly from independent claim 36. No new claims are added. Claims 1-40 remain in the case. The response to the rejections regarding patentability are addressed below.

### Examiner Interview

Applicants thank Primary Examiner Webb for his time in conducting an interview with Mr. Tremitchell Wright and the undersigned on August 19, 2008. Applicants hereby provide a statement of the substance of the interview in accordance with MPEP Section 713.04.

The substance of the interview pertained to the remaining rejections to the claims under 35 U.S.C. §112, §102 and §103 of this pending application. Applicants requested additional clarification as to the nature of rejections of the pending method claims within the meaning of 35 U.S.C. §102 and 103. The cited reference US 5,827,812 issued to Flynn et al. was discussed and it was pointed out that Flynn et al. did not disclose or suggest any method of laundering fabric in

an automatic washing machine as claimed. The Examiner made recommendations and requested Applicants to submit explanation in writing to further the case to allowance.

#### **Declaration**

The Office Action of April 21, 2008 states that the reference U.S. 3,962,390 was not used in the rejections of the previous Office Action dated October 12, 2007, however, the prosecution history shows that claims 1-40 were rejected under 35 U.S.C. 102(b). In response thereto, Applicants referred to the previously filed Declaration under 37 C.F.R. §1.131 to swear behind US Patent No. 5,962,390 to Flynn et al. to remove it from consideration.

#### **Rejections under 35 U.S.C. §112**

The Examiner notes that Applicants have claimed priority to certain aspects of its U.S. Provisional Application 60/045,072. Independent claims 1, 28, 32 and dependent claim 37 are now amended to recite "fragrances" as recited in Provisional Application 60/045,072 filed on April 27, 1997. As described above, support for the term "fragrance" is found in Applicants' U.S. Provisional Application No. 60/045,072 on page 5, line 14, of the written description, and in claims 16 and 55 as originally filed on April 27, 1997. Support for fragrance is also found in the pending Application in paragraphs [0141] and [0147].

Accordingly, Applicants request that rejections under 35 U.S.C. §112 be withdrawn and respectfully request allowance of claims 1-40.

#### **Rejections under 35 U.S.C. §102**

**Rejections of Claims 1-40 under 35 U.S.C. §102(b) as being anticipated by Flynn et al. (US 5,827,812)**

Claims 1-40 stand rejected under 35 USC §102(b) as being anticipated by Flynn et al (US 5, 827,812). The USPTO states that because the Flynn reference teaches azetropes, the Flynn compositions would require at least two solvents in which the first solvent is considered the working fluid and the second solvent would be the adjuvant.

Applicants respectfully submit that claims 1-40 are patentably distinct over Flynn et al.

('812). Flynn '812 does not provide support for a method of cleaning that includes the step of "bringing working fluid in contact with the fabric in an automatic washing machine" as recited in Applicants' independent claims 1, 28, 32 and 36.

In addition, Flynn '812 does not provide support for water as a co-solvent as recited in Applicants' independent claims 28 and 36. Flynn et al. requires an organic co-solvent for the formation of the liquid azeotrope-like composition.

Applicants respectfully request withdrawal of the rejections of claims 1-40 under 35 U.S.C. §102 and respectfully request allowance of claims 1-40.

### **Rejections under 35 U.S.C. §103**

**Rejections of Claims 1-40 under 35 U.S.C. §103(a) as being obvious over Flynn et al. (US 5,827,812) in view Henderson (US 2,940,287) and further in view of Williams (US 3,234,660)**

Claims 1-40 stand rejected under 35 USC §103(a) as being obvious in view of Flynn et al (US 5, 827,812) and further in view of Henderson (US 2,940,287). The USPTO states that because the Flynn reference teaches azeotropes, the Flynn compositions would require a first solvent that is the working fluid and a second solvent that is the adjuvant. Also, states that steps such as detecting fluid levels, sensing moisture, measuring conductivity, humidity are all well-known in the dry cleaning industry and would be "inherent" to the dry cleaning process or at least obvious in view of Henderson.

Applicants respectfully submit that Flynn et al. do not disclose the elements recited in claims 1-40 for the same reasons stated above. Flynn et al. does not disclose a method of cleaning that includes the step of "bringing working fluid in contact with the fabric in an automatic washing machine" as recited in Applicants' independent claims 1, 28, 32 and 36. Flynn et al. do not provide a nexus between the surface cleaning with azeotropic compositions with the method of laundering fabrics in an automatic washing machine as specifically arranged and claimed. Also, there is no suggestion by which a person of ordinary skill in the art would be motivated to stay within the property parameters defined by the working fluid in conjunction with the washing adjuvants in the various embodiments of Applicants' invention as claimed.

Furthermore, with respect to independent claims 28 and 36, Flynn et al. do not disclose a

co-solvent that is water and teaches that the presence of water is undesirable. Flynn et al. relies on the azeotropes produced by the organic solvents, for example, those listed in the several tables and examples of the Flynn et al. reference. With respect to dependent claims 19, 21, 22, 31, 35, and 40, Flynn et al. do not disclose the step of separating the working fluid through various types of filters to produce a permeate. With respect to dependent claims 26 and 39, Flynn et al. do not disclose a method which further includes the step of applying ultraviolet radiation to the fabric.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-40 under 35 U.S.C. §103(a) and respectfully request the allowance of claims 1-40.

### CONCLUSION

In summary, Applicants believes that this Amendment is fully responsive to the Office Action mailed on April 21, 2008 and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-40 of this Application be found in condition for allowance. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, a telephone call from the Examiner is welcomed by the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 02-2051, referencing our Docket No. US19984054-5 (31480.10).

Respectfully submitted,  
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